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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

MERCK SHARP & DOHME CORP.,

Plaintiff,

v.

APOTEX INC. and APOTEX CORP.,

Defendants.

Case No. 15-2384 (PGS) (TJB)

**NOTICE OF DEFENDANT
APOTEX CORP.'S RULE 12(B)(6)
MOTION TO DISMISS FOR
FAILURE TO STATE A CLAIM**

Document Filed Electronically

Return date: August 3, 2015

TO: David DeLorenzi
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Attorneys for Plaintiff

PLEASE TAKE NOTICE that on **Monday, August 3, 2015 at 10:00 a.m.**, or as soon thereafter as counsel may be heard, defendant Apotex Corp. ("Apotex") shall appear before the

Honorable Peter G. Sheridan, United States District Judge, **Clarkson S. Fisher Federal Building & U.S. Courthouse**, 402 East State Street, Trenton, New Jersey 08608, and shall move this Court for an Order dismissing Plaintiff's Amended Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6).

PLEASE TAKE FURTHER NOTICE that in support of its Motion, Apotex shall rely upon its Brief and the Declaration of Roy Chamcharas, submitted concurrently herewith, any Reply papers to be submitted, and oral argument, if any. A proposed form of Order is also submitted for the Court's consideration.

PLEASE TAKE FURTHER NOTICE that oral argument is specifically requested.

Respectfully submitted,

SAIBER LLC
Attorneys for Defendant
Apotex Corp.

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Dated: June 29, 2015